

MICHAEL J. FOGERTY.

JUNE 23, 1898.—Ordered to be printed.

Mr. GALLINGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 3081.]

The Committee on Pensions, to whom was referred the bill (H. R. 3081) granting an increase of pension to Michael J. Fogerty, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives, hereto appended, is adopted, and the passage of the bill is recommended.

HOUSE REPORT.

This bill proposes to increase from \$36 to \$50 per month the pension of Michael J. Fogerty, of Vincennes, Ind., who served in Company F, Twelfth United States Infantry, from August 16, 1862, to March 8, 1865, when honorably discharged on surgeon's certificate of disability, on account of amputation of left leg. The records also show that he received a gunshot wound right leg in service and line of duty.

He has been pensioned for the amputation of left leg at \$8 per month from date of discharge; \$15 from June 6, 1866; \$18 from June 4, 1872; \$24 from June 4, 1874; \$30 from March 3, 1883, and \$36 from August 4, 1886. A reissue was made in 1895 to allow gunshot wound of left thigh (new) to commence March 9, 1865, but he was allowed no additional rate of pension on account of that wound.

To entitle him to a higher rate of pension he must be totally disabled for manual labor and so disabled as to require the frequent and periodical aid and attendance of another person. That degree of disability from causes originating in service would entitle him to a pension of \$50 per month.

A certificate of his examination by a board of surgeons at Vincennes, Ind., on March 13, 1895, after describing condition of both wounds, concludes as follows:

"It is the opinion of this board that this man is totally disabled, and that as a result of loss of left leg and injury to right leg his condition is such as to require frequent and periodical care and attention."

In an affidavit executed April 1, 1898, Dr. L. M. Beckes, of Vincennes, Ind., says he has been claimant's family physician for four or five years, and at various times during that period he has examined and prescribed for him, and his condition has been and now is that he is unable to perform any kind of manual labor, and is growing worse, and will continue to do so as long as he lives; that in affiant's opinion his condition now is such as to require a frequent attendant—in fact, an almost constant helper and attendant. The soldier has no property except personal belongings of the value of \$40, and no income. The case is meritorious, and the soldier is entitled to a pension of \$50 per month.

The bill is therefore reported back with the recommendation that it pass.

VINCENNES, IND., *December 18, 1894.*

DEAR SIR: I inclose herewith a statement to the military committee of the House of Congress as to injuries and disabilities received while serving in Company F, Twelfth United States Infantry, during the war of the rebellion, and to most earnestly ask you to submit it to that committee for its action in securing an act of Congress for my relief.

In the statement I have stated my injuries fully, and I am advised by friends and parties of prominence to pursue this course to receive the benefits that my condition warrants and that I am worthy of.

I am drawing a pension of \$36 per month for the loss of my leg above the knee, and nothing at all for other injuries and disabilities received.

Considering my almost helpless condition to earn a support for myself and family, I feel that the amount of \$36 per month is very inadequate to the injuries received in the service, and my present condition, coupled with old age coming upon me, makes my case a serious one. I would therefore feel most grateful to you for any kind offices in my behalf toward securing an act of Congress for my relief.

I also inclose herewith for your consideration a letter from Mr. Royal E. Purcell, postmaster of this city, which will explain itself. I can also furnish a number of indorsements from responsible and prominent citizens of Vincennes as to my condition and as to the worthy claim I present.

If you will kindly get my claim before the committee at the earliest practicable time and give any aid to its favorable consideration, I will duly appreciate your efforts.

Should further record or evidence be necessary to prosecute the matter and I can be advised, it will receive my prompt attention.

Trusting that I am not presuming too much on your time and kindness, and that my case may receive prompt and favorable action, I remain, very respectfully,

MICHAEL J. FOGERTY.

HON. JOHN L. BRETZ, M. C.,  
*Washington, D. C.*

P. S.—Will you kindly advise me when the matter is presented to the committee, and advise me of any necessary steps I can take toward the early adjudication of the matter?

VINCENNES, IND., *December 18, 1894.*

MY DEAR SIR: Accompanying this letter is a statement of Michael J. Fogarty to the military committee of the House of Representatives, asking for additional relief on account of disabilities incurred in the service of the United States. I personally know Mr. Fogarty, and am fully convinced that his statements in this behalf are correct, and I sincerely hope that he may obtain the relief asked for. Any aid you can give him will be most worthily bestowed.

Yours, truly,

ROYAL E. PURCELL.

HON. JOHN L. BRETZ,  
*Washington, D. C.*

STATE OF INDIANA, *County of Knox, ss:*

In the matter of Michael J. Fogerty, Company F, Twelfth United States Infantry.

On this 17th day of March, A. D. 1898, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Michael J. Fogerty, aged 56 years, a resident of Vincennes, in the county of Knox and State of Indiana, whose post-office address is Vincennes, Ind., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows: I am the above-named claimant. I have personal property of the value of about \$40. I have no real estate whatever of any kind. I have no income of any kind except a pension which I draw from the Government.

MICHAEL J. FOGERTY.

STATE OF INDIANA, *County of Knox, ss:*

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

WILLIAM O. HUGHES,  
*Notary Public.*

VINCENNES, IND., *April 1, 1898.***To whom it may concern:**

This is to certify that I am a regular practicing physician and have been for eleven years. I am, and have been for four or five years, the family physician of Mr. Michael J. Fogerty, of this city and State. At various times during this time I have examined and prescribed for said Michael J. Fogerty.

During this time and now his physical condition has been such that he is unable now, as well as in the past, to perform any kind of manual labor, and that in my opinion his disabilities are growing worse and will continue to do so as long as he lives.

In my opinion his condition now is such as to require a frequent attendant, and in fact an almost constant helper or attendant.

I further state that, in my opinion, said Fogerty's condition, or rather his disabilities, are the results of injuries said to have been received in the Army.

A physical examination of said Fogerty was made by me and in my opinion, based upon statements of said Fogerty, whom I have always found to be an honest and honorable man, and also upon the evidence found in the examination, Michael J. Fogerty is disabled because of injuries received while in the service, and also because of the results of said injuries he is constantly growing worse.

In my opinion the injuries which caused his bad physical condition were loss of right leg just above the kneejoint, gunshot wound of left thigh, and results of use of an impure vaccine when he was vaccinated.

I further state that I have no interest in the prosecution of this case further than to see justice done a deserving soldier.

L. M. BECKES, M. D.

Subscribed and sworn to before me April 1, 1898.

[SEAL.]

JONATHAN KEITH,  
*Notary Public.*VINCENNES, IND., *March 16, 1898.***To whom it may concern:**

This certifies that Michael J. Fogarty, of Vincennes, Ind., is an upright, industrious, honorable citizen, of the strictest sobriety, and we take pleasure in testifying to his good character and worthiness as a neighbor.

Royal E. Purcell, ex-postmaster and publisher Daily Sun; H. W. Frund, superintendent Vincennes Electric Light and Power Company; W. H. Vollmer, treasurer Knox County, Ind.; Charles A. Weisert, deputy treasurer Knox County, Ind.; Geo. W. Shaw, judge Knox circuit court; Geo. E. Greene, mayor of Vincennes; Frank H. Hoffman, treasurer city of Vincennes, Ind.; Chas. Langel, clerk city of Vincennes, Ind.; T. H. Adams, publisher Commercial; Gerard Reiter, vice-president German National Bank; Geo. Fendrich, president Second National Bank and chief fire department; Tom Robertson, captain police; O. H. Cobb, attorney at law, Vincennes, Ind.; W. O. Hughes, attorney at law, Vincennes, Ind.; J. L. Buckles, ex-sheriff and attorney at law, Vincennes, Ind.; V. Schaenfeld, druggist; Wm. F. Recker, grocer; Geo. M. White, chief of police, Vincennes, Ind.; J. M. Thurgood, manager Western Union Telegraph Company; R. G. Moore, M. D.; Geo. Harris, merchant.

